

U.S. Department of Justice

United States Attorney Southern District of New York

The Silvio J. Mollo Building One Saint Andrew's Plaza New York, NY 10007

June 12, 2020

By ECF

The Honorable Jesse M. Furman United States District Judge Southern District of New York 40 Foley Square New York, New York 10007

Re: <u>United States v. Mustapha Raji</u>,

19 Cr. 870 (JMF)

Dear Judge Furman:

The Government respectfully submits this letter, as directed by the Court, in response to defendant Mustapha Raji's letter requesting that the defendant's conditions of release be modified. (ECF Nos. 27, 28). Because the Government has, as of the filing of this letter, not received any financial or background information relevant to its evaluation of the suitability of the two proposed co-signers, and consequently has not interviewed them, the Government respectfully requests that it be allowed the opportunity to evaluate the two proposed co-signers and confer with defense counsel prior to taking a position on this request.

The Government initially asked for financial and related documentation regarding the proposed co-signers before the motion for release was filed, in an attempt to negotiate agreed-upon conditions of bail in the first instance without the Court's intervention. Defense counsel did not so provide, and then indicated its intent to file a motion instead. As of the filing of this letter, defense counsel still has yet to provide any relevant information that would be necessary for the Government to interview and evaluate the proposed co-signers, beyond that set forth in its filing with the Court. Moreover, defense counsel did not confer with the Government prior to filing its application, to see if the parties could resolve this dispute without the Court's intervention.

Since the defendant cannot be released without this Office's approval of at least two cosigners, even under the proposed terms of the defendant's instant request, the Government respectfully requests that the Court order the defendant to provide the relevant information regarding the co-signers, and allow the Government to review said information and interview them prior to providing its position on further modification of the conditions of release—a process that would be necessary in any event prior to the defendant's release. (See ECF No. 25

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at 2 ("Defendant shall not be released until all conditions are met, including the availability of location monitoring equipment."). The Government further respectfully requests for the opportunity, consistent with the Court's Order, to confer with defense counsel about the two proposed co-signers prior to taking a position with the Court. (*Cf. id.* at 1 n.1 ("The Court intimates no view on whether the co-signers proposed by Defendant would be appropriate. The Court will leave it to the parties to confer in the first instance and to seek the Court intervention only if necessary."). If, after all relevant information is provided, and the Government has had the opportunity to interview the co-signers, the parties still cannot agree, the Government will let the Court know forthwith.

The Government has also sent an email to defense counsel again asking for the requested information, and to attempt to meet and confer in good faith in the first instance as well, on this application and in future potential applications to the Court.

Respectfully submitted,

GEOFFREY S. BERMAN United States Attorney

By: <u>/s/</u>

Dina McLeod / Eun Young Choi Assistant United States Attorneys Southern District of New York (212) 637-1030/2187

cc: Defense Counsel (by ECF)